

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 01-055)

In re Application of:)
Tamar Giloh) Examiner: C.L. Anderson
Serial No.: 09/744,779) Group Art Unit: 3761
Filed: January 26, 2001) Confirmation No.: 5007
For: Protective Undergarment)

TRANSMITTAL LETTER

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regard to the above-identified application:

1. We are transmitting herewith the attached:
 - a. Application for Patent Term Adjustment under 37 CFR 1.705(b)
 - b. Return Receipt Postcard
2. With respect to additional fees:
 - a. Please deduct the Rule 18(e) fee of \$200.00 from the deposit account no. 13-2490.
 - b. Please charge any additional fees or credit overpayment, to Deposit Account No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee", addressed to the Mail Stop Patent Ext., Commissioner for Patents, Washington, D.C. 20231 on this 21st day of June, 2005 under the Express Mail Label No. EV723816873US.

Respectfully submitted,

Date:

June 24, 2005

By:

Emily Miao
Reg. No. 35,285



6-22-05

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DAC/7dw
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 01-055)

In the Application of:)
)
 Giloh)
) Examiner: Catharine L. Anderson
 Serial No.: 09/744,779)
) Group Art Unit: 3761
 371 Date: June 6, 2002)
) Confirmation No.: 5007
 For: Protective Undergarment)
)

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

06/23/2005 HDEMESS2 00000020 132490 09744779
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Dear Sir:

Responsive to the Determination of Patent Term Adjustment posted on the Patent Application Information Retrieval System (PAIR) as of April 1, 2005, the applicants submit this Application for Patent Term Adjustment. The applicants also submit herewith the required fee under 37 C.F.R. § 1.18(e) along with this Application for Patent Term Adjustment.

The data available on PAIR indicated a 0 day Patent Term Adjustment. The applicants submit that a 301 day Patent Term Adjustment is warranted. Under 37 C.F.R. § 1.702(a)(1), patent term can be adjusted for the failure of the PTO to take certain actions within specified time frames. These include not mailing either a notice of allowance under 35 U.S.C. § 151 or a rejection under 35 U.S.C. § 132 within 14 months from the date the application was filed under 35 U.S.C. § 111(a) or fulfilled the requirements of 35 U.S.C. § 371. This provision is applicable for the analysis in this case. For the purpose of calculating the required patent term adjustment, the applicable provision is 37 C.F.R. § 1.703(a)(1). The patent term adjustment warranted is the number of days in the period beginning on the day after the date that is fourteen months after the date on which the application

was filed under 35 U.S.C. § 111(a) or fulfilled the requirements of 35 U.S.C. § 371, and ending on the date of mailing of an action under 35 U.S.C. § 132, or the mailing of a notice of allowance under 35 U.S.C. § 151, whichever occurs first.

The date the application satisfied 35 U.S.C. § 371 was June 6, 2002, as indicated by the decision of the PTO legal examiner dated September 20, 2002.

Fourteen months from the date of satisfaction of 35 U.S.C. § 371 was August 6, 2003.

The day after that date was August 7, 2003.

The date of mailing of the first rejection in the case was June 2, 2004.

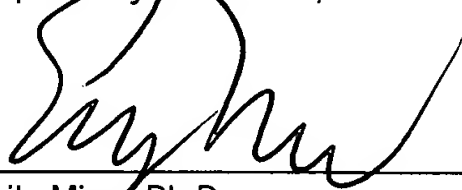
¶ The number of days (inclusive) from August 7, 2003 to June 2, 2004, is 301 days.

The Applicants recognize that an Amendment was submitted under 37 C.F.R. § 1.312 after a notice of allowance was received, and that under 37 C.F.R. § 1.704(c)(10) there will be a resulting reduction to the Patent Term Adjustment because of this submission. However, as there has yet has been no response to this Amendment, the Applicants are currently unable to determine the extent of the reduction to the Patent Term Adjustment.

For these reasons, the Patent Term Adjustment for this case should be 301 days, minus the proper period of time may be under 37 C.F.R. § 1.704(c)(10).

¶ In light of the foregoing, the applicants respectfully request consideration of this Application for Patent Term Adjustment and granting of the 301 day Adjustment (minus the proper reduction as indicated above) to the patent term as PTO delay. If a telephone conference would expedite the prosecution of this Application for Patent Term Adjustment, please contact the undersigned attorney as indicated below.

Respectfully submitted,



Emily Miao, Ph.D.
Registration No. 35,285

Date: June 21, 2005

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